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WORLD CONFERENCE AGAINST RACISM,
RACIAL DISCRIMINATION, XENOPHOBIA
AND RELATED INTOLERANCE
Preparatory Committee
First session
Geneva, 1 - 5 May 2000
Item 7 of the provisional agenda

REPORTS, STUDIES AND OTHER DOCUMENTATION FOR THE PREPARATORY COMMITTEE AND THE WORLD CONFERENCE

Contribution*/ submitted by the December Twelfth Movement International Secretariat and the International Association against Torture

The Secretary-General has received the following contribution which is circulated in accordance with Economic and Social Council resolution 1996/31.

[7 February 2000]

*/ This contribution is issued, unedited, as received from the submitting non-governmental organization(s).

The December 12th Movement International Secretariat (D12) and the International Association Against Torture (AICT) fully unite that next year's World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) must be action oriented if it is to advance its goal of eradicating racism. It is from this perspective that we make the following observations and proposals.

The Trans-Atlantic Slave Trade, the Slavery of Africans in the Americas and the Colonization of Africa are Central to an Understanding of the Development and Propagation of Racism

Although some countries insist: "Don't look back! Just look forward," we cannot eradicate racism without a clear understanding of its origins.

Racism is based in economics. Colonial expansion and the Trans-Atlantic Slave Trade were, at bottom, economic ventures. The consequent need for European Christianity/Catholicism to find a moral justification for its enslavement of and trade in African human beings gave rise to the ideology of racism. Color prejudice had existed for centuries, but racism institutionalized and systematized this prejudice into an entire framework of ideas which permeated and, in return, were reenforced by every institution in European, American ("American" is used in the sense of ALL THE AMERICAS, not simply the U.S.) and Euro-Pacific (Australia, New Zealand) societies.

The WCAR can clearly indicate its seriousness in attaining its objectives by adopting the resolution "On the Recognition of Slavery and the Slave Trade as a Crime against Humanity." This resolution, which was originally advanced by the African group at the Commission on Human Rights in 1998, was blocked due to the direct intervention of a leading "developed" country.

Globalization and Racism

The economic basis of racism is not simply a historical footnote. Economic benefit explains why racism has continued and is on the ascendancy. There is a direct relationship between the phenomenon of imperialism, under its current rubric of "globalism/globalization," and a rise in racism. The countries which are the primary beneficiaries of racism and racial discrimination are crystal clear about this connection and fear exposing it. This knowledge and fear have been concretely demonstrated in the struggle to formulate resolutions on this item. At both the General Assembly (GA) and the Commission on Human Rights (CHR), the developed countries have resolutely opposed drawing any connection between globalization and racism. In General Assembly resolution A/RES/53/132, the compromise reached was to allude to the connection between economic disparity and racism in the Preamble, but without mentioning the term globalization - i.e. "Noting with concern that racism, racial discrimination, xenophobia and related intolerance may be aggravated by, inter alia, inequitable distribution of wealth, marginalization and social exclusion..."[1]

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[1] .A/RES/53/132, "Third Decade to Combat Racism and Racial Discrimination and the convening of the

In this midst of this retreat from reality, the Sub-Commission on the Promotion and Protection of Human Rights (Sub-Commission) nevertheless produced an excellent report on the Relation between Globalization and Racism.[2] Sub-Commission Expert J. Oloka-Onyango made an irrefutable case for the connection between the ascendancy of new and old forms of racism and the all-encompassing advance of globalization.

Compensation for Crimes Against Humanity

The Trans-Atlantic Slave Trade was a holocaust, a crime against humanity and African people, who remain the first and !ongest suffering victims of racism. Yet they, of all the peoples of the world who have suffered gross violations of human rights, have received the least redress. In 1990, the Sub-Commission commissioned a study on the issue of compensation. The study found a basis for material compensation going to the Jewish victims of the Nazi Holocaust, to the Japanese-Americans who were interned by their own government during World War II. However, when it came to the question of like compensation for the descendants of the victims of slavery in the U.S., the rapporteur stated that it "would be difficult and complex to construe and uphold a legal duty to pay compensation to the descendants of the victims of the slave trade and other early forms of slavery."He concluded that "effective affirmative action is called for in appropriate cases as a *moral* duty."[3] [Emphasis ours]. This refusal to address the gross human rights violations suffered by Africans in the same manner as with other peoples is a further example of the double standard which exists when it comes to redress for Africans.

The question of **reparations** due Africans in the Diaspora and on the African continent is undeniably a sensitive one. But the issue of repair, of making the victims whole, is crucial to any campaign to eradicate racism. Failure to compensate for the labor stolen, the wealth accumulated

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World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance" Preambular para 12, 9 Dec. 1998

[2]. E/CN.4/Sub.2/1999/8, Oloka-Onyango, J. "Globalization in the Context of Increased Incidents of Racism, Racial Discrimination and Xenophobia," 22 June 1999.

[3]. E/CN.4/Sub.2/1993/8 van Boven, Theo, "Study Concerning the Right to Restitution, Compensation and Rehabilitation for Victims of Gross Violations of Human Rights and Fundamental Freedoms," para. 24, 2 July 1993.

and advances made by the "developed" world, all of which flowed from the kidnaping, murder and misery of millions of Africans is a litmus test of any commitment to eliminate racism. There can no longer be a double standard in the arena of compensation. To paraphrase Sojourner Truth, a great African-American freedom fighter, "Ain't we human beings, too?"

The Importance of the UN Special Rapporteur on Contemporary Forms of racism, et al.

The UN already has an important, but underutilized, instrument in place to address racism, i.e. the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance. Due to the breadth of his mandate, the Special Rapporteur on Racism has a distinct advantage over the Committee which monitors compliance with the CERD (Convention on the Elimination of Racial Discrimination.). The CERD's very mandate is restricted to the narrower venue of "racial discrimination" and it has jurisdiction only over those countries which have ratified the convention. One of the problems facing the Special Rapporteur on Racism, et al has been the shortage of resources (both human and financial) available for him to implement his mandate. The WCAR can make a very important statement by endorsing the previous work of the Special Rapporteur and demand that he be provided with the resources necessary to effectuate his mandate. The combination of a strengthened Special Rapporteur working in conjunction with the CERD would pose a formidable international force in combating racism and racial discrimination.

The Importance of Regional and National PrepComs

Europe has scheduled a regional PrepCom for the autumn of 2000. That fact carries great symbolic significance given Europe's history and its initial opposition to the WCAR. In distinct counterpoint is the position of the United States which has stated that it will not hold a national PrepCom for the WCAR. Given the leadership position of the US in today's world, its deplorable history on the issue of slavery, and its continuing racist mistreatment of the descendants of its slaves, the convening of a national PrepCom in that country is extremely important to the overall momentum towards, publicity around and success of the WCAR. The AICT and the December 12th Movement ask that this first PrepCom for the WCAR recommend that the US convene a national PrepCom for the WCAR.

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First session
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REPORTS, STUDIES AND OTHER DOCUMENTATION FOR THE PREPARATORY COMMITTEE AND THE WORLD CONFERENCE

Contribution*/ submitted by the Association of Refugees and Displaced Persons of the Republic of Bosnia-Herzegovina

The Secretary-General has received the following contribution which is circulated in accordance with Economic and Social Council resolution 1996/31.

[28 March 2000]

*/ This contribution is issued, unedited, as received from the submitting non-governmental organization(s).

GE.00-12242

More than four years after the Dayton Peace Agreement about 870 000 refugees and displaced persons in Bosnia and Herzegovina continue to live away from their homes because they are on the territory of the other entity. Of these, 533 000 live in the Bosniak-Croat Federation and 340 000 in Republika Srpska. With regard to minority returns, only 13 000 persons returned to Republika Srpska, 65 000 to the Federation and 30 000 to Canton Sarajevo in 1999.

The main reasons for this stagnating and even deteriorating situation are:

1. The nationalist parties still rule in Bosnia and Herzegovina. It is in their interest to obstruct minority returns of refugees since these would jeopardize their power.

2. The authorities lack the will to solve political and social problems and to speed up the process of democratization. Their major concern seems to be their own prosperity. For the politicians in such a country refugees and displaced persons are only the object of manipulation.

3. The local NGOs are barely tolerated by the authorities of both entities. The latter attack and oppose every organization or civil movement aiming at progress and democracy.

4. Property laws in both entities have been amended. Unfortunately, the process of privatization for many seems to be an opportunity to usurp the property of refugees and displaced persons.

5. The human rights laws in both entities very often do not comply with European human rights conventions. The result is discrimination of refugees and displaced persons in their own country.

6. The education system is divided along ethnic lines. But joint education programms are one of the pre-conditions for sustainable return.

7. Among the most severe problems and obstacles to return are joblessness, general poverty, lack of welfare work and, very often, of basic health care.

8. Nevertheless, minority returns have continued across the country. Unfortunately, the returnees very often cannot settle down because they have no means for their house repair. At the moment there are 13 500 returnee families in Republika Srpska who are living in tents and even worse makeshift accomodations; the number of such families in the Federation amounts to 9 000.

9. Refugees and displaced persons have failed to establish joint or coordinated return programmes or strategy. Their state of mind can best be described as lethargic and tormented.

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REPORTS, STUDIES AND OTHER DOCUMENTATION FOR THE PREPARATORY COMMITTEE AND THE WORLD CONFERENCE

Contribution*/ submitted by the International Council of AIDS Service Organizations

The Secretary-General has received the following contribution which is circulated in accordance with Economic and Social Council resolution 1996/31.

[4 February 2000]

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GE.00-12244

In December 1999, UNAIDS reported that over 33 million people were living with HIV infection, while a further 16 million people had died of AIDS-related causes since the beginning of the epidemic. The overwhelming majority of people with HIV – about 95% - live in the developing world. Of those newly infected in developed countries, an increasing number belong to racial and ethnic minorities within those countries.

The full extent of the links between racial discrimination and the HIV/AIDS epidemic have yet to be explored. At the national level, people from racial and ethnic minorities who experience social and economic disadvantage and discrimination may also experience increased vulnerability to HIV infection. Once infected, they may have greater difficulty in accessing health care, treatment and support and may be more likely to be refused employment, accommodation, or health care.

At the international level, the burden of new infections and AIDS has now shifted to the developing world – sub-Saharan Africa now has close to 70% of the world's people with HIV infection. About 14 million Africans have already died of AIDS. Yet current and future medications and even candidate vaccines are largely designed and priced for developed world markets.

The International Council of AIDS Service Organizations calls on the Preparatory Committee to place the issue of HIV/AIDS and racial discrimination on the agenda of the World Conference Against Racism and to commission a study into the links between racial discrimination and HIV/AIDS. In particular, this study should:

i) define the links between racial discrimination and the HIV/AIDS epidemic at the national and international levels,
ii) make recommendations for States, including the introduction of legislation to directly or indirectly prohibit HIV-related discrimination, as set out in the International Guidelines on HIV/AIDS and Human Rights,
iii) make recommendations for States, specialized agencies and programmes, non-governmental organizations and trans-national corporations to take urgent action to address the HIV/AIDS epidemic at the national, regional and global levels, including the provision of technical and financial assistance to countries and communities in greatest need.

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REPORTS, STUDIES AND OTHER DOCUMENTATION FOR THE PREPARATORY COMMITTEE AND THE WORLD CONFERENCE

Contribution*/ submitted by the International Save the Children Alliance

The Secretary-General has received the following contribution which is circulated in accordance with Economic and Social Council resolution 1996/31.

[3 March 2000]

*/ This contribution is issued, unedited, as received from the submitting non-governmental organization(s).

BEST COPY AVAILABLE

The International Save the Children Alliance would like to draw the attention of the Preparatory Committee to Resolution 1999/78 adopted by the UN Commission on Human Rights at its fifty-fifth session. In accordance with this resolution, the Commission recommends that "the particular situation of children should receive special attention during the preparations for and during the World Conference itself, especially in its outcome." Special attention during the "preparations" evidently refers to this meeting, other preparatory meetings, the future regional conferences, including the European Conference against Racism to be held in Strasbourg in October 2000.

The UN Convention on the Rights of the Child defines a "child" as any person up to the age of 18. This includes not only small children, but also teenagers and persons who have nearly reached majority.

There are several good reasons why the participants at this meeting should focus their attention on children and young people.

First of all, young people have an inherent capacity to mobilise themselves against racism, racial discrimination and related intolerance. There are numerous positive examples demonstrating that young people are able to mobilise themselves against such trends, for instance "Touche pas à mon pôte" in France some years ago, "School without Racism" in the Netherlands and similar projects in other countries of the world. Positive examples have been documented by the Council of Europe's European Youth Campaign against Racism, Xenophobia, Anti-Semitism and Intolerance.

Secondly, young people are unfortunately a preferred target of recruitment to nazi and racist organisations - and are increasingly becoming so due to numerous web sites and distributors of music glorifying national-socialist ideology. There is a need to determine ways and means of preventing new recruitment and help young people who are already members to leave such organisations.

Thirdly, and most importantly, children are subject to racial discrimination just as adults are. In fact, they are more vulnerable than adults, since they often have difficulties making their opinions heard and views respected. When it comes to racial discrimination against children, Save the Children would like to draw the attention of the Preparatory Committee to the importance of considering the treatment and special situation of the following groups:

- Children of aliens;
- Children of indigenous peoples;
- Children who are stateless;
- Children who are illegally trafficked;
- Children who are separated from their parents;
- Children who are refugees/asylum-seekers;
- Children who reside illegally on the territory of state ("hidden children");
- Children of national, ethnic, linguistic and religious minorities.

Concerning the latter group, the International Save the Children Alliance wishes to underline the importance of granting Roma/Sinti, Gypsy and Traveller children the fundamental right to education. This means adopting legislation and setting up education systems that meet the

needs of children, including the special needs of Roma/Sinti, Gypsy and Traveller children. The right to education of Roma/Sinti, Gypsy and Traveller children must be upheld in accordance with the principle of non-discrimination and the commitments laid down in the international human rights instruments. Roma/Sinti, Gypsy and Traveller children are entitled to equal opportunity in their access to education and throughout the whole learning process. This will ensure that Roma/Sinti, Gypsy and Traveller children are given the opportunity of reaching their full potential and that they do not suffer from discrimination in related areas. In order to achieve this goal, special measures may have to be adopted in relation to the teaching of their mother tongue and culture as provided for in various international and regional human rights legislation.

In conclusion, the International Save the Children Alliance suggests to include in the final documents and recommendations of this meeting a special reference to the Commission's resolution 1999/78 and a mention of the need to focus attention on the particular situation of children - including the opportunities, challenges and categories of children mentioned above - during the preparatory meetings, the future regional conferences and the World Conference itself, especially in its outcome.